

Senate File 377 - Introduced

SENATE FILE 377
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1161)

A BILL FOR

1 An Act relating to the commission of a crime with sexual
2 intent, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.101, subsection 1, paragraph a,
2 subparagraph (5), Code 2015, is amended to read as follows:

3 (5) Assault with sexual intent ~~to commit sexual abuse~~ in
4 violation of section 709.11.

5 Sec. 2. Section 692A.101, subsection 30, paragraph b, Code
6 2015, is amended to read as follows:

7 b. Assault with sexual intent ~~to commit sexual abuse~~ in
8 violation of section 709.11.

9 Sec. 3. Section 692A.102, subsection 1, paragraph b,
10 subparagraph (6), Code 2015, is amended to read as follows:

11 (6) Assault with sexual intent ~~to commit sexual abuse~~ if no
12 injury results in violation of section 709.11.

13 Sec. 4. Section 692A.102, subsection 1, paragraph c,
14 subparagraph (15), Code 2015, is amended to read as follows:

15 (15) Assault with sexual intent ~~to commit sexual abuse~~
16 resulting in serious or bodily injury in violation of section
17 709.11.

18 Sec. 5. Section 708.2, Code 2015, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 7. A person who commits an assault, as
21 defined in section 708.1, by touching the breast of another,
22 whether or not the touching was through the clothing or other
23 covering, is guilty of a serious misdemeanor.

24 Sec. 6. Section 709.11, Code 2015, is amended to read as
25 follows:

26 **709.11 Assault with sexual intent ~~to commit sexual abuse~~.**

27 1. Any person who commits an assault, as defined in section
28 708.1, with the intent to commit sexual abuse:

29 ~~1-~~ a. Is guilty of a class "C" felony if the person thereby
30 causes serious injury to any person.

31 ~~2-~~ b. Is guilty of a class "D" felony if the person thereby
32 causes any person a bodily injury other than a serious injury.

33 ~~3-~~ c. Is guilty of an aggravated misdemeanor if no injury
34 results.

35 2. Any person who commits an assault, as defined in section

1 708.1, by touching the breast of another, whether or not the
2 touching was through the clothing or other covering, with the
3 intent to arouse or gratify the sexual desire of either party,
4 or for the purpose of sexually degrading or humiliating the
5 other person:

6 a. Is guilty of a class "C" felony if the person thereby
7 causes serious injury to any person.

8 b. Is guilty of a class "D" felony if the person thereby
9 causes any person a bodily injury other than a serious injury.

10 c. Is guilty of an aggravated misdemeanor if no injury
11 results.

12 Sec. 7. Section 802.2B, subsection 2, Code 2015, is amended
13 to read as follows:

14 2. Assault with sexual intent ~~to commit sexual abuse~~ in
15 violation of section 709.11.

16 Sec. 8. Section 903B.10, subsection 3, paragraph e, Code
17 2015, is amended to read as follows:

18 e. Assault with sexual intent, in violation of section
19 709.11.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the commission of an assault with sexual
24 intent.

25 The bill provides that a person who commits an assault
26 as defined in Code section 708.1, by touching the breast of
27 another, whether or not the touching was through the clothing
28 or other covering, with the intent to arouse or gratify the
29 sexual desires of either party, or for purposes of sexually
30 degrading or humiliating the other person, commits assault with
31 sexual intent.

32 Under the bill, a person who commits assault with sexual
33 intent commits a class "C" felony if the person causes serious
34 injury to any person, a class "D" felony if the person causes
35 bodily injury, and an aggravated misdemeanor if no injury

1 results. A person who commits an assault with sexual intent
2 under the bill must register as a sex offender and is subject
3 to a special sentence under Code section 903B.1 or 903B.2
4 depending on the severity of the offense.

5 If a person touches the breast of another and commits an
6 assault as defined in Code section 708.1, whether or not the
7 touching was through the clothing or other covering, and the
8 touching is without the intent to arouse or gratify the sexual
9 desires of either party and not for the purpose of sexually
10 degrading or humiliating the other person, the person commits
11 a serious misdemeanor.

12 The bill also makes numerous conforming changes in Code
13 chapter 692A.